

## § 2804.15

(e) In processing your application, BLM may determine at any time that the application requires preparing an EIS. If this occurs, BLM will send you a decision changing your processing category to Processing Category 6. You may appeal this decision under § 2801.10 of this part.

(f) To expedite processing of your application, you may notify BLM in writing that you are waiving paying reasonable costs and are electing to pay the full actual costs incurred by BLM in processing your application and monitoring your grant.

### **§ 2804.15 When does BLM reevaluate the processing and monitoring fees?**

BLM reevaluates the processing and monitoring fees (*see* § 2805.16 of this part) for each category and the categories themselves within 5 years after they go into effect and at 10-year intervals after that. When reevaluating processing and monitoring fees, BLM considers all factors that affect the fees, including, but not limited to, any changes in:

- (a) Technology;
- (b) The procedures for processing applications and monitoring grants;
- (c) Statutes and regulations relating to the right-of-way program; or
- (d) The IPD-GDP.

### **§ 2804.16 Who is exempt from paying processing and monitoring fees?**

You are exempt from paying processing and monitoring fees if:

- (a) You are a state or local government, or an agency of such a government, and BLM issues the grant for governmental purposes benefitting the general public. If your principal source of revenue results from charges you levy on customers for services similar to those of a profit-making corporation or business, you are not exempt; or
- (b) Your application under this subpart is associated with a cost-share road or reciprocal right-of-way agreement.

### **§ 2804.17 What is a Master Agreement (Processing Category 5) and what information must I provide to BLM when I request one?**

- (a) A Master Agreement (Processing Category 5) is a written agreement cov-

## 43 CFR Ch. II (10–1–14 Edition)

ering processing and monitoring fees (*see* § 2805.16 of this part) negotiated between BLM and you that involves multiple BLM grant approvals for projects within a defined geographic area.

(b) Your request for a Master Agreement must:

- (1) Describe the geographic area covered by the Agreement and the scope of the activity you plan;

- (2) Include a preliminary work plan. This plan must state what work you must do and what work BLM must do to process your application. Both parties must periodically update the work plan, as specified in the Agreement, and mutually agree to the changes;

- (3) Contain a preliminary cost estimate and a timetable for processing the application and completing the projects;

- (4) State whether you want the Agreement to apply to future applications in the same geographic area that are not part of the same projects; and

- (5) Contain any other relevant information that BLM needs to process the application.

### **§ 2804.18 What provisions do Master Agreements contain and what are their limitations?**

(a) A Master Agreement:

- (1) Specifies that you must comply with all applicable laws and regulations;

- (2) Describes the work you will do and the work BLM will do to process the application;

- (3) Describes the method of periodic billing, payment, and auditing;

- (4) Describes the processes, studies, or evaluations you will pay for;

- (5) Explains how BLM will monitor the grant and how BLM will recover monitoring costs;

- (6) Contains provisions allowing for periodic review and updating, if required;

- (7) Contains specific conditions for terminating the Agreement; and

- (8) Contains any other provisions BLM considers necessary.

(b) BLM will not enter into any Agreement that is not in the public interest.